

REMARKS/ARGUMENTS

In the Office Action mailed March 28, 2008, claims 1-16 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

Claim Rejections under 35 U.S.C. 102 and 103

Claims 1-2, 6-7, 11-12, and 16 were rejected under 35 U.S.C. 102(e) as being anticipated by Armstrong et al. (U.S. Pat. No. 7,253,717, hereinafter Armstrong). Additionally, claims 3-4, 8-9, and 13-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of MacLellan et al. (U.S. Pat. No. 5,929,779, hereinafter MacLellan). Additionally, claims 5, 10, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of MacLellan and further in view of Voegele (U.S. Pat. No. 6,725,014, hereinafter Voegele). However, Applicant respectfully submits that these claims are patentable over Armstrong, MacLellan, and Voegele for the reasons provided below.

Independent Claim 1

Claim 1 recites “sending a time-slot progressing information, for progressing from the current time slot to the time slot following next in line, from the reader station to the data carriers, characterized in that the time-slot progressing information comprises a time-slot characterizing information, which identifies one of the N time slots, and which is evaluated by the data carriers in order to establish the current time slot in each case” (emphasis added).

In contrast, Armstrong does not disclose time-slot characterizing information which identifies a timeslot, as recited in the claim. While Armstrong does mention time slots, generally, Armstrong does not describe any information or data which identifies a particular time slot. Armstrong merely describes using a predetermined number of time slots for transmission. Armstrong, col. 5, lines 46-52. Armstrong also explains that the internally generated random number in each transponder is used to select a TDMA time slot for transmission. Armstrong, col. 11, lines 23-28. A separate random number can

also be generated by each transponder in order to generate a corresponding candidate Tag_ID, which is used to identify each transponder. Armstrong, col. 16, lines 17-58. However, these descriptions in Armstrong do not provide any support for the assertion in the Office Action that Armstrong purportedly discloses time-slot characterizing information which identifies the time slot, as recited in claim.

As a matter of clarification in regard to the description of the random number and Tag_ID in column 16, Applicant respectfully notes that the Tag_ID is unrelated to any particular time slots. The Tag_ID of each transponder is merely used to identify the transponder. The Tag_ID is not used to select a TDMA time slot. It appears that the Office Action relies on this description simply because of the reference to a random number. However, Armstrong does not disclose any correlation between the random number used to generate the Tag_ID (referred to in col. 16) and the random used to select a TDMA time slot (referred to in col. 11). Hence, the reference in the Office Action to the Tag_ID and the corresponding random number is inapposite to the selection of a time slot for transmission.

The description of the random number to select a TDMA time slot is also insufficient to disclose the indicated limitation because the random number is merely an internally generated random number that is not transmitted outside of the transponder. Even if the internally generated random number were considered information to identify a time slot, Armstrong nevertheless does not disclose sending the random number to another transponder or to the interrogators within the system. Thus, Armstrong does not describe sending the random number from a reader station to data carrier, as recited in the claim. Therefore, Armstrong does not disclose sending time-slot progressing information from a reader station to data carriers because Armstrong merely describes internally generating a random number at the transponder to select a TDMA time slot for the transponder.

For at least these reasons, Applicant submits that Armstrong does not disclose all of the limitations of the claim because Armstrong does not disclose sending time-slot progressing information, including time-slot characterizing information which identifies a time slot, from a reader station to data carriers, as recited in claim. Accordingly,

Applicant respectfully submits that claim 1 is patentable over Armstrong because Armstrong does not disclose all of the limitations of the claim.

Independent Claim 7

Applicant respectfully asserts independent claim 7 is patentable over Armstrong for at least some of the reasons stated above in regard to the rejection of independent claim 1. In particular, claim 7 recites “receiver means to receive the interrogation information and the time-slot progressing information from the reader station” (emphasis added) and “sending means to send the response information to the reader station, characterized in that the time-slot progressing information comprises a time-slot characterizing information, which identifies one of the N time slots, and that the time-slot definition means are designed to evaluate the time-slot characterizing information in order to determine the current time slot in each case” (emphasis added).

Here, although the language of claim 7 differs from the language of claim 1, and the scope of claim 7 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 7. Accordingly, Applicant respectfully asserts claim 7 is patentable over Armstrong because Armstrong does not disclose receiving time-slot progressing information, including time-slot characterizing information which identifies a time slot, from a reader station, as recited in the claim.

Independent Claim 11

Applicant respectfully asserts independent claim 11 is patentable over Armstrong for at least some of the reasons stated above in regard to the rejection of independent claim 1. In particular, claim 11 recites “sending means to send an interrogation information and a time-slot progressing information to all data carriers arranged in the communication field” (emphasis added) and “time-slot evaluation means to evaluate the response information received from the data carriers in the particular time slot characterized in that the reader station is designed to send a time-slot progressing information comprising a time-slot characterizing information, wherein the time-slot

characterizing information identifies one of the N time slots, and is evaluated by the data carriers in order to establish the current time slot in each case” (emphasis added).

Here, although the language of claim 11 differs from the language of claim 1, and the scope of claim 11 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 11. Accordingly, Applicant respectfully asserts claim 11 is patentable over Armstrong because Armstrong does not disclose sending time-slot progressing information, including time-slot characterizing information which identifies a time slot, to data carriers, as recited in the claim.

Dependent Claims

Claims 2-6, 8-10, and 12-16 depend from and incorporate all of the limitations of the corresponding independent claims 1, 7, and 11. Applicant respectfully asserts claims 2-6, 8-10, and 12-16 are allowable based on allowable base claims. Additionally, each of claims 2-6, 8-10, and 12-16 may be allowable for further reasons, as described below.

In regard to claims 3, 8, and 13, Applicant respectfully asserts the rejections of claims 3, 8, and 13 are improper because the Office Action does not establish *prima facie* rejections for claims 3, 8, and 13. In order to establish a *prima facie* rejection of a claim under 35 U.S.C. 103, the Office Action must present a clear articulation of the reason why the claimed invention would have been obvious. MPEP 2142 (citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. __ (2007)). Here, the Office Action fails to explain why the limitations of claims 3, 8, and 13 would have been obvious because the Office Action does not acknowledge the actual language of the claims. In particular, the Office Action fails to acknowledge that claim 3 recites “the time-slot characterizing information is formed by two pulses, wherein the time duration of a pulse interval between the two pulses identifies one of the N time slots” (emphasis added). Claims 8 and 13 recite similar limitations. In fact, the Office Action does not even make an assertion that the cited references might describe the indicated limitations, or that the indicated limitations might otherwise be obvious in light of the cited references. It appears that this oversight in the Office Action may be a result of combining the rejections of claims 3, 8, and 13 together with the rejections of claims 4, 9, and 14 in a

single paragraph, and only providing reasoning directed to the “multiple pulses” limitations of claims 4, 9, and 14. Nevertheless, claims 3, 8, and 13 recite separate limitations that are not addressed in the reasoning used to reject claims 4, 9, and 14. In particular, the stated rejection does not articulate any reason why the limitation related to identifying a time slot using a time duration of a pulse interval between two pulses would purportedly be obvious in light of the combination of cited references. Therefore, the Office Action fails to establish *prima facie* rejections for claims 3, 8, and 14 because the Office Action does not assert or show how the cited reference might teach a time duration of a pulse interval between two pulses to identify a time slot. Accordingly, Applicant respectfully submit that the rejection of claim 3, 8, and 13 under 35 U.S.C. 103(a) should be withdrawn because the Office Action fails to establish *prima facie* rejections. Additionally, since the Office Action fails to establish *prima facie* rejections for claims 3, 8, and 13, Applicant respectfully requests that the Examiner withdraw the finality of the present Office Action.

Moreover, in regard to claim 3, 8, and 13, as well as claims 4, 9, and 14, Applicant respectfully submits that these claims are patentable over the combination of Armstrong and MacLellan because the combination of cited references does not teach all of the limitations of the claims. Claim 3 recites “the time-slot characterizing information is formed by two pulses, wherein the time duration of a pulse interval between the two pulses identifies one of the N time slots” (emphasis added). Claims 8 and 13 recite similar limitations. Claim 4 recites “the time-slot characterizing information is formed by multiple pulses, which identify a consecutive time-slot number” (emphasis added). Claims 9 and 14 recite similar limitations. The Office Action recognizes that Armstrong does not teach multiple pulses to identify a time slot. Hence, the Office Action relies on MacLellan as purportedly teaching multiple pulses to identify a time slot. However, MacLellan does not describe multiple pulses to identify a time slot because MacLellan merely describes the ability to synchronize RFID tags with down link pulses. In other words, the down link pulses are merely used for synchronization. However, synchronizing RFID tags with down link pulses does not provide any teaching or reasoning in support of the rejection because synchronizing RFID tags with down link pulses does not teach using multiple pulses to identify a time slot. Thus, despite the

assertion in the Office Action, MacLellan does not teach multiple pulses to identify a time slot. Therefore, the combination of Armstrong and MacLellan does not teach all of the limitations of the claim because MacLellan does not teach multiple pulses to identify a time slot. Accordingly, Applicant respectfully asserts that claims 3, 4, 8, 9, 13, and 14 are patentable over the combination of Armstrong and MacLellan because the combination of Armstrong and MacLellan does not teach all of the limitations of the claims.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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